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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,863	01/22/2004	Michael J. Naquin SR.	BAO-0041	8503
23413	7590	03/02/2006	EXAMINER	
CANTOR COLBURN, LLP			GAY, JENNIFER HAWKINS	
55 GRIFFIN ROAD SOUTH			ART UNIT	PAPER NUMBER
BLOOMFIELD, CT 06002			3672	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,863

Applicant(s)

NAQUIN ET AL.

Examiner

Jennifer H. Gay

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14, 16, 19-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 4, 15, 17, 18, 28, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 15 and 17 are objected to because of the following informalities:
 - Claim 15 is objected to because it appears that claim 15 should depend from claim 13, as claim 12 does not recite an exit passage.
 - Claim 17 is objected to because "A seal system" should be changed to --The seal system--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-14, 16, 19-27, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Watson et al. (US 6,575,251).

Regarding claims 1, 16: Watson et al. discloses a sealing system. The system includes the following features:

- A particle laden fluid.
- A pump capable of pumping the fluid (the examiner takes Official Notice that the use of a pump to inject the fluid into the wellbore is considered to be well known in the art).
- An expandable element that includes the following features:
 - A base pipe 16.

- A screen **54** disposed at the base pipe so that a fluidic component of a solid laden fluid introducible to the sealing system is drainable radially to the base pipe.
- An expandable element **56** disposed radially outwardly of the base pipe and screen.

Regarding claims 2, 19: The element is progressively expanded.

Regarding claim 3: The element is impermeable to fluid.

Regarding claim 5: The screen allows the passage of fluid therethrough but impedes the passage of solids.

Regarding claim 6: The element and screen define an area where the particle laden fluid is accepted and the particles are retained.

Regarding claims 7, 22: The element is maintained in an expanded condition by a grain-to-grain contact of the particles.

Regarding claims 8, 9, 20, 23, 24, 25: The fluid is drained off to the base pipe and then the wellbore annulus (9:22-25).

Regarding claims 10, 12, 14: The element includes a slurry entrance passage **52** that includes a check valve.

Regarding claim 11: The screen is spaced from the base pipe to facilitate drain off.

Regarding claim 13: The element includes a fluid exit passage **58**.

Regarding claim 21: Watson et al. discloses a method for sealing a wellbore using the above apparatus.

Regarding claims 26, 27: The element is expanded.

Regarding claim 29: The fluid includes particulate that is more dense than the fluid.

Allowable Subject Matter

4. Claims 4, 15, 17, 18, 28, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. In view of applicant's amendment, the objections to the drawings, abstract, and claims as well as the 25 USC 112(2) rejections of claims 26 and 27 have been withdrawn. It is noted that the objection to claim 17 has been repeated because, though the claim identifier indicates that the claim was amended, no amendment to the claim could be found. In the same regard, claim 21 indicates that it too has been amended but no amendment to the claim could be found.

6. Applicant's arguments filed January 11 2006, with respect to claims 4, 14, 17, 18, 28, 30, and 31 have been fully considered and are persuasive. The rejection of those claims has been withdrawn.

7. Applicant's arguments filed January 11 2006 have been fully considered but they are not persuasive.

Applicant has argued that the expandable element of Watson et al. is not located radially outwardly from the base pipe but is positioned longitudinally adjacent the base pipe. In response, the examiner notes that Figure 6 of Watson et al. clearly shows that the expandable element is disposed radially outwardly from both the screen and the base pipe. Further, the configuration of the expandable element relative to the screen and base pipe is nearly identical to that of the instant application. Therefore, it is difficult for the examiner to see how the expandable element of Watson et al. is not disposed radially outwardly from the base pipe.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

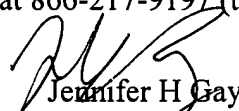
Art Unit: 3672


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer H. Gay
Primary Examiner
Art Unit 3672

JHG 
February 27, 2006